



FROM THE OFFICE OF CONGRESSWOMAN LYNN RIVERS

ENVIRONMENTAL UPDATE

October 1999

CONGRESSIONAL REPORT

The Appropriations Bills and the Environment

Under the Constitution and federal law, no funds may be drawn from the U.S. Treasury or obligated by federal officials unless appropriated by law. Normally, most of the operations of federal departments and agencies are funded each year through the separate enactment of 13 regular appropriations acts. However, it is not unusual for the enactment of one or more of these acts to be delayed beyond the beginning of the fiscal year on October 1. When this occurs, affected departments and agencies usually are funded under one or more continuing appropriations acts. Because continuing appropriations acts typically are enacted in the form of a joint resolution, such acts are referred to as continuing resolutions (or CRs).

Congress did not expect final action on all of the FY2000 regular appropriations bills by October 1. Therefore, on September 28, the Senate and House adopted a temporary continuing resolution for FY2000 (H.J.Res. 68), which continues funding until October 21, 1999. The President signed the resolution on September 30, 1999.

Before this date, there had only been four appropriations bill signed by the President (Energy and Water, Legislative Branch, Military Construction, and Treasury). The District of Columbia bill was vetoed. Five appropriation conference reports have passed the House and the Senate (D.C., Energy and Water, Legislative Branch, Military Construction, and Treasury). The House and the Senate have approved 12 of the 13 appropriation bills (the one remaining is Labor-HHS-Education). Several appropriation votes are scheduled for the beginning of October; please check <http://lcweb.loc.gov/global/legislative/appover.html> for the most current update. You may also call the district office at (734)485-3741 if you do not have Internet access.

The \$21.3 billion fiscal year 2000 energy and water spending bill was signed by the President on September 29th. Controversial language on wetlands and power marketing administrations (PMAs) was blunted to get the approval of both the House and the Senate (Lynn Rivers voted yes on this bill). Compromises that were made included reworking language that would have "short-circuited" the wetlands review process by making initial findings appealable in court even before a final permit is issued. And another provision would have delayed the administration's efforts to implement new general permits replacing the Nationwide Permit 26 program. Under the bill, a study will be conducted. Other programs funded in the bill include:

- \$362.2 million for solar and renewable energy programs, which is \$3.7 million below the current level but higher than what either the House or the Senate originally included;

(continued on the next page...)

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- \$5.7 billion for the Energy Department's cleanup of contaminated sites, an increase of \$147 million over the current level;
- \$63 million for radioactive cleanup at the Paducah Gaseous Diffusion Plant (AP/Lexington Herald-Leader).

There is still work to be done on other bills which contain riders which may affect the environment: VA-HUD, and the Interior. Lynn Rivers had voted for the VA/HUD bill before it went to Conference, but has said that she will vote to support a presidential veto if significant improvements are not made to underfunded programs. The Environmental Protection Agency (EPA) was funded at 4% (\$278 million) less than FY 1999 funding overall. There was a 3% reduction for the Superfund hazardous waste cleanup program, 6% less money allotted for water improvement grants, and a 17% reduction in funding for the clean up and repair of leaking underground storage tanks. Representative Rivers has said: "The cuts proposed to be inflicted are too great, and the programs affected are too important, to let this bill survive in its current form."

The House passed the Interior bill this summer, on a day that Lynn Rivers was unable to vote due to family matters. Had she been in Washington D.C., she would have voted in favor of the bill. As passed by the House, the bill provides a total of \$13.9 billion for the Interior Department and various related agencies.

Before the Interior Appropriations bill went to conference (the conference bill had not been reported at the time of this printing), Lynn Rivers voted yes on a motion to instruct conferees to support the Rahall amendment which limits environmental damage from mine waste dumping on federal lands. The motion also instructs them to reject anti-environmental riders that were included in the Senate bill.

Other environmentally-friendly components of the bill include appropriation of \$30 million for state land conservation programs; a \$50 million cut to fossil energy research and development programs; prohibition on the use of certain jawed traps in National Wildlife Refuges considered by some to be inhumane; and prohibition on construction of new timber access roads.

Information provided by Greenwire, National Journal GW Weekly Executive Summary 9/20-9/24/99 and 9/27-10/1/99; Greenwire 10/4/99; Congressional Research Service 97-892, HAR report--Interior Appropriations.



EPA ANNOUNCES SIGNIFICANT ACTIONS TO REDUCE TOXIC CHEMICALS IN GREAT LAKES BASIN

To protect public health and help restore the Great Lakes, U.S. Environmental Protection Agency Administrator Carol M. Browner announced a proposal on September 24th to significantly reduce direct discharges of the most toxic chemicals into the Great Lakes. The chemicals, referred to as "bioaccumulative chemicals of concern" (BCCs), include mercury, polychlorinated biphenyls or PCBs, dioxin, chlordane, DDT and mirex.

Specifically, Browner proposed to phase-out the discharges of BCCs into "mixing zones" - areas of the Lakes where discharges of toxic chemicals are allowed to mix with receiving waters and dilute. The proposal would prohibit new discharges of BCCs into mixing zones in the Great Lakes Basin and would phase out the use of existing mixing zones for BCCs in the Great Lakes Basin over 10 years.

Governors in Indiana, Michigan, Minnesota, and Wisconsin have already eliminated mixing zones for BCCs in the Great Lakes Basin. With this announcement, mixing zones for BCCs in the Great Lakes Basin are also prohibited in the states of Illinois, New York, Ohio and Pennsylvania. It is anticipated that the proposal would reduce mercury from direct water discharges, like outfall pipes, into the Great Lakes by up to 90 percent. Browner has directed EPA staff to work closely with state and local government, industry, environmental and public health groups, and other partners to review the use of mixing zones for bioaccumulative toxic chemicals to determine if they should be phased out nationwide. And she challenged governors across the country to follow the lead of the Great Lakes states in the meantime, by phasing out mixing zones for these harmful pollutants in all of America's waters.

Noting that the vast majority of mercury pollution in the Great Lakes comes from air pollution, Browner said, "One of the greatest threats to the Great Lakes comes not just from poisons pumped directly into the waters - but what falls from the sky. We are pursuing aggressive steps to reduce mercury emissions to the air."

EPA actions to address reducing mercury emissions to the air include:

- EPA completed a study of toxic emissions from coal-fired, electric power plants, which account for approximately one-third of all mercury air emissions. However, Congress required EPA to delay its finding as to whether it is necessary to control emissions from these plants until another study is completed by the National Academy of Sciences next summer. EPA fully plans to decide whether or not to control these emissions by no later than December 2000.
- EPA has instituted tough controls addressing the combustion of medical, municipal, and hazardous waste.
- Beginning next year, power plants will have to report mercury emissions to EPA's Toxic Release Inventory. The data will be available to the public on the Internet.

Despite their great depth and size, the Great Lakes are particularly vulnerable to toxic pollutants, because the pollutants remain in the lakes for many years. Even in small amounts, they become more concentrated as they move through the food chain, from plants to fish and animals to humans. For humans and many species of wildlife, the main route of exposure to BCCs is fish consumption. By building up in the tissues of fish, BCCs can reach unhealthy levels, making fish unsafe to eat. There are advisories on eating fish in all of the Great Lakes states.

In 1995, EPA and the Great Lakes states agreed to a comprehensive plan to restore the health of the Great Lakes. The Final Water Quality Guidance for the Great Lakes System - also known as the Great Lakes Initiative - includes criteria for states when setting water quality standards for 29 pollutants, including BCCs. The 1995 Guidance prohibited the use of mixing zones for BCCs. The entire plan, including the mixing zone prohibition for BCCs was challenged in federal court by the iron and steel industry.

In June 1997 the U.S. Court of Appeals in the District of Columbia upheld the majority of the provisions in the Guidance, but vacated the BCC mixing zone prohibition and remanded the provision to EPA for further consideration. This latest proposal would reinstate that provision for environmental and public health reasons, based on continuing evidence that the highly bioaccumulative nature of BCCs presents a significant potential risk to human health, aquatic life and wildlife. Therefore the benefits of the mixing zone phaseout outweigh costs.

Because of the flexibility of the 1995 Guidance, all of the Great Lakes states have crafted unique cleanup and implementation procedures which have been submitted to EPA for approval. EPA has now completed its final review of the submissions made by five of the states (Indiana, Michigan, Minnesota, Ohio, and Pennsylvania) and a preliminary review of the remaining three (Illinois, New York, and Wisconsin). EPA is on schedule to complete its final review of the remaining three plans by the end of the year.

On a related note, Lynn Rivers has placed her support behind H.R. 2595, legislation sponsored by Representative Bart Stupak. This bill places a moratorium on the bulk sale of Great Lakes water. The moratorium would remain in place until the completion of a water study being conducted at the request of the U.S. and Canadian government and until laws or regulations are in place to protect the nation's fresh water supply.

Please Come to These Upcoming Events....

coffee hours

Friday, October 8

2:30pm-4:00pm
The Pickle Barrel
10256 Willis Rd., Willis

Wednesday, November 10

8:30-10:00am
Sweetwaters Cafe
123 W. Washington, Ann Arbor

Tuesday, November 18

8:30-10:00am
Wayne Restaurant & Coney
3709 Metro Place Mall, Wayne

Thursday, November 18

4:30-6:00pm
Waltz Inn
28104 Mineral Springs, New Boston

Friday, November 19

8:30-10:00am
L.A. Diner
2376 Carpenter Rd., Pittsfield Twp

Monday, November 22

8:30-10:00am
Sam's Meal Family Dining
27125 Cherry Hill, Inkster

ALL SCHEDULED EVENTS ARE
SUBJECT TO CHANGE. PLEASE
CALL (734) 485-3741 TO
CONFIRM THIS SCHEDULE.

Thursday, December 9

8:30-10:00am
Modern Coney (Kroger Plaza)
5912 Middlebelt Rd., Garden City

Tuesday, December 14

8:30-10:00am
Tim Hortons
41276 Ford Rd., Canton

forums

Nuclear Disarmament

Monday, October 11

7:00pm - 9:00pm
Washtenaw Community College
Morris Lawrence Building, Room 101
4800 E. Huron River Dr., Ann Arbor

Healthcare Policy in America

Monday, December 6

7:00pm-9:00pm
Washtenaw Community College
Morris Lawrence Building, Room 101
4800 E. Huron River Dr., Ann Arbor

See

You

There!

town halls

Saturday, October 23

10:00am-11:30am
Westland Friendship Center
1119 N. Newburgh Rd., Westland

Wednesday, November 17

7:00pm-8:30pm
Northville City Hall
215 W. Main St., Northville

Thursday, December 2

7:00pm-9:00pm
South Middle School
45201 Owen St., Belleville

U.S. HOUSE OF REPRESENTATIVES

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Lynn N. Rivers
M.C.